

REMARKS

I. FORMAL MATTERS

Claims 4 and 7-41 are currently pending. Claims 28 and 29 are the only pending independent claims.

II. CLAIM AMENDMENTS

Claims 1-3, 5 and 6 are canceled hereby.

Claims 4, 7, 8, 10-18 and 23-26 and have been amended hereby.

Claims 28-41 have been added hereby.

No new matter has been added by these amendments. Support can be found throughout the originally filed specification and claims.

III. CLAIM REJECTIONS

Claims 1-27 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,680,897 to Ono in view of U.S. Patent No. 5,579,296 to Smith.

Applicants note that independent claim 1 has been canceled hereby, therefore Applicants respectfully submit that the rejection of independent claim 1 is moot. Solely to expedite prosecution of this application, Applicants have amended the claims as described above. However, Applicants respectfully traverse the rejections of canceled claim 1.

With regard to independent claim 1, the Examiner argues that the optical disk of Ono corresponds to the subject invention. Namely, the Office Action alleges that Ono discloses an optical recording medium having a contact face 5 (alleged circular recess) and recording medium 2 (alleged flat surface).

The Office Action acknowledges that Ono does not show "the flat face having a design put at least approximately on the center of the face." The Office Action also alleges that Figure 29 of Smith shows a flat face having a design put at least approximately on the center of the face.

The Office Action fails to establish a prima facie case of obviousness for at least two reasons. First, the contact face 5 (alleged circular recess) is not a recess. There is no indication in Ono whatsoever that the contact face 5 is recessed at all. Rather, it appears that the contact face 5 is one continuous flat surface with the recording medium 2. Thus, Ono at least fails to disclose that "in one face of a substrate of the optical recording medium has a circular recess formed therein" as recited in independent claim 1.

Second, the disclosure of Smith does not make up for the deficiencies of Ono.

Namely, Smith does not teach that the rotational locking device 58 of Smith is recessed. Moreover, the portion of Smith referred to in the Office Action does not teach a flat face design on the center of the face. Rather, column 10, lines 5-10 of Smith discloses merely that the perimeter of the storage media 10, can be configured in a variety of geometric shapes. The animal image depicted in Fig. 29 is not a design on the face of the storage media, but rather an example of a possible shape of the perimeter of the storage media 10.

Applicants respectfully submit that Ono at least fails to disclose the invention as claimed in new independent claims 28 and 29. Furthermore, Smith fails to make up for the deficiencies of Ono. Therefore, Ono in view of Smith fails to establish a prima facie case of obviousness with respect to the pending claims.

In view of Applicants arguments set forth above, Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejections, and allowance of new independent claims 28 and 29 and claims 4, 7-27 and 30-41 which depend therefrom.

CONCLUSION

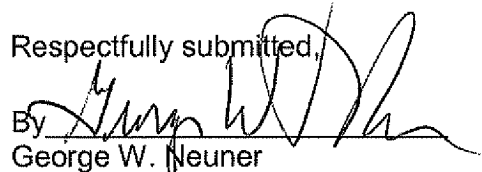
In view of the above amendment, applicant believes the pending application is in condition for allowance.

If the Examiner believes that any outstanding issue could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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